

R307-214

2. Title: Nation Emissions for Hazardous Air Pollutants

3. Type of notice: Amendment

4. Purpose of the rule or reason for the change:

To update the incorporation date of 40 Code of Federal Regulations (CFR) Part 61 and 40 CFR Part 63 to July 1, 2007, and to incorporate by reference new federal regulations that may apply to current or future Utah sources of hazardous air pollutants. If requested, a public hearing will be held Wednesday, October 24, 2007 at 2:00 PM in the Main Conference Room of the DEQ Building located at 150 N 1950 West in Salt Lake City. If no request for a public hearing is received by October 15, 2007, the hearing will be cancelled. After October 15, 2007 you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been cancelled. Request for public hearing may be submitted by electronic mail to mcaryl@utah.gov or by calling 536-4136.

6. Summary of rules changes:

Update the incorporation date of 40 Code of Federal Regulations (CFR) Part 61. There have been a number of changes that have occurred since we last incorporated Part 61 into our rules; however, these changes are either procedural in nature or minor modifications that include cleanup of language, citations, and cross references throughout Part 61. Update the incorporation date of 40 CFR Part 63. The Clean Air Act of 1990 required EPA to issue standards for HAPs; these standards are commonly called MACTs. State operation of the MACTs program is a federally required component of Operating Permits program under Title V of the Clean Air Act. By adopting and receiving delegation for these standards for Hazardous Air Pollutants (HAPs), the State will have primacy over administration of these standards on Utah sources. This will be consistent with the historical approach taken by the Department of Environmental Quality, and will simplify procedures required of sources. Ten new federal regulations that may apply to current or future Utah sources of hazardous air pollutants are proposed for incorporation by reference into R307-214-2.

7. Summary of costs

A. To State Budget

There are no costs to the state budget for implementing the MACTS, as all sources are required to hold Operating Permits, and their costs are built into the fees paid by sources of HAPs under the Operating Permit Program.

B. To Local Government

No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable.

C. To Small Businesses and Other Persons

Small Businesses: No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable. Other Persons: No adverse economic

impact is expected to occur as a result this rule, because these provisions are already federally enforceable.

8. Compliance costs for affected persons:

No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

No adverse economic impact is expected to occur as a result of this rule, because these provisions are already federally enforceable. (Richard W. Sprott, Executive Director, Department of Environmental Quality)

10. Authorizing statute: 19-2-104(1) (a)

11. Materials incorporated by reference? 40 CFR Part 61, 40 CFR Part 63, and 40 CFR Part 63 Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutions: Acrylic and Modacrylic Fibers Production Area Sources; 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutions: Carbon Black Production Area Sources; 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutions: Chemical Manufacturing Area Sources: Chromium Compounds; 40 CFR Part 63, Subpart OOOOOO, National Emission Standards for Hazardous Air Pollutions for Flexible Polyurethane Foam Production and Fabrication Area Sources; 40 CFR Part 63, Subpart PPPPPP, National Emission Standards for Hazardous Air Pollutions for Lead Acid Battery Manufacturing Area Sources; 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutions for Wood Preserving Area Sources; 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutions for Polyvinyl Chloride and Copolymers Production Area Sources; 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutions for Primary Copper Smelting Area Sources; 40 CFR Part 63, Subpart FFFFFFF, National Emission Standards for Hazardous Air Pollutions for Secondary Copper Smelting Area Sources; and 40 CFR Part 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutions for Primary Nonferrous Metals—Zinc, Cadmium, and Beryllium Area Sources.

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12. Public comment and hearing info: If requested by October 15, 2007. October 24, 2007, at 2:00 PM in the Main Conference Room of the DEQ Building, 150 N 1950 West, Salt Lake City, Utah.

13. May become effective on : November 7, 2004

14. Keywords: air pollution, hazardous air pollutant, MACT